

APPROVED MINUTES

JOINT MEETING

STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES

9:00 a. m. December 15, 2016

Harry M. Bluford Classroom, Virginia Historical Society, 428 N. Boulevard, Richmond, VA 23221

State Review Board Members Present

Elizabeth Moore, Chair
Joseph D. Lahendro, Vice-Chair
Dr. Sara Bon-Harper
Dr. Gabrielle Lanier
Dr. Carl Lounsbury
John Salmon

Historic Resources Board Members Present

Clyde Paul Smith, Chair
Margaret T. Peters, Vice-Chair
Dr. Ashley Atkins-Spivey
Dr. Colita Nichols Fairfax
Frederick S. Fisher
Drew Gruber
Nosuk Pak Kim

State Review Board Members Absent

Dr. Laurant Lee

Historic Resources Board Members Absent

None

Department of Historic Resources Staff Present

Julie Langan, Director
David Edwards
Marc Wagner
Melina Bezirdjian
Michael Pulice
Elizabeth Lipford
Jim Hare

Stephanie Williams, Deputy Director
Aubrey Von Lindern
Jennifer Pullen
Lena Sweeten McDonald
Jen Loux
Joanna Wilson Green

Guests present (from sign-in sheet) – Susan Auman (Rockfalls); Hylah Boyd (Millers Tavern Rural Historic District); Adam Gillenwater (Civil War Trust); Pamela Hazelwood; Pettus LeCompe (Markel Building); Gary Powers Jr.; Bob and Jane Schreiber (Millers Tavern Rural HD); Van Winkle Townsend (Moss Side, Cedar Lane);

Guests from State Agencies – Catherine Ayres Shankles (Office of the Attorney General)

Board of Historic Resources Board (BHR)

Chair Clyde Smith called the BHR meeting to order at 9:06 a.m. He explained the role of the BHR as an official policy-making Board of the Commonwealth, and asked each of the Board members to introduce themselves. He noted the presence of a quorum of the Board.

Chair Smith asked for a motion to adopt the agenda for the December 15, 2016, Board meeting. Mr. Fisher made the motion. It was seconded by Dr. Fairfax and passed unanimously with no discussion.

Chair Smith presented the **September 2016 meeting minutes** and asked for a motion to approve the minutes. Mr. Fisher asked about approval of various items brought before the BHR, which are brought to the Board with the recommendation of the staff. He noted the minutes were not always described as such. He suggested that motions made with the recommendation of the staff should be noted as such. With a motion from Vice-Chair Peters and a second from Ms. Kim, the BHR voted unanimously to approve the minutes as presented.

Chair Smith presented the **September 14, 2016, training session minutes** and asked for a motion to approve the minutes. With a motion from Mr. Fisher and a second from Mr. Gruber, the BHR voted unanimously to approve the training session minutes as presented.

Chair Smith presented the **September 21, 2016, special meeting minutes** for a motion to approve the minutes. With a motion from Mr. Fisher and a second from Vice-Chair Peters, the BHR voted unanimously to approve the minutes as presented.

Chair Smith introduced Deputy Director Stephanie Williams to discuss the proposed amendment to the BHR bylaws. Deputy Director Williams presented a single revision to the Board By-laws involving the replacement of the word “calendar” with the word “working.” Such change allows DHR staff the appropriate amount of time to complete the meeting minutes and aligns the office with the appropriate FOIA laws. Chair Smith asked for a motion to approve the proposed amendment to the BHR bylaws. With a motion from Vice-Chair Peters and a second from Ms. Kim, the motion passed unanimously to amend the bylaws as presented.

State Review Board (SRB)

Chair Elizabeth Moore called the SRB meeting to order and explained the role of the SRB and the process of Register designation. She invited the SRB members to introduce themselves, and welcomed everyone in attendance.

Chair Moore asked for a motion to approve the December 15, 2016, **meeting agenda**. With a motion from Dr. Bon-Harper and a second from Vice-Chair Lahendro, the SRB voted unanimously to approve the agenda.

Chair Moore presented the **September 2016 meeting minutes** and asked for a motion to approve the minutes. With a motion from Vice-Chair Lahendro and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the minutes as presented.

Chair Moore introduced Deputy Director Stephanie Williams to present an amendment to the SRB regarding a word change from “calendar” to “working” days which will bring the bylaws into line with the Virginia FOIA. Chair Moore asked for clarification of the purpose of other struck text on the page of the bylaws with the proposed amendment, and Deputy Director Williams explained that text was struck at a previous meeting. With a motion from Dr. Lounsbury and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the amendment to the bylaws.

Work Plan

Deputy Director Stephanie Williams presented to the Boards the State Fiscal Year 2016-2017 Agency Work Plan. In the interest of transparency, the Work Plan was submitted with various changes tracked that had been made by staff during the development of the Plan. Deputy Director Williams explained that the plan is consistent with the previous year’s and DHR has updated tactics to accomplish DHR’s five main goals: to improve appropriate management of historic assets, to connect with broader constituencies, to build strong local economies using historic assets, to place historic resources within local and state planning procedures, and to sharpen tools for historic preservation.

Dr. Fairfax asked about page 10 of the Work Plan and its lack of inclusion of historic properties in Hampton Roads and Eastern Shore, under the Community Services Division’s goals. Mr. Wagner explained that several efforts are under way but not mentioned in the Work Plan, including a project in Cape Charles on the Eastern Shore, inquiries from Hampton residents regarding nominations of several historic churches, an inquiry from the Town of Chincoteague about a possible historic district nomination, and the recently proposed Oceana Historic District and Courthouse Complex Historic District in Virginia Beach. Chair Moore asked if the listed Work Plan goals were those suggested by property owners as opposed to DHR staff. Mr. Wagner said Work Plan goals often are based on input from the general public and local government officials. Dr. Fairfax asked that those items be included in the work plan. DHR staff agreed to make the additions.

Dr. Fairfax asked about struck-through text on page 11 of the Work Plan, concerning MPDs for Historically Black Colleges and Universities (HBCUs) and Civil Rights Heritage in Virginia. Mr. Hare said they were removed due to limited resources available to DHR at this time.

Dr. Fairfax asked about struck-through text on pages 19 and 22 of the Work Plan where there is discussion about African American heritage projects and inclusion of students from HBCUs in these projects. Dr. Fairfax acknowledged budgetary restrictions but noted that in several instances, HBCUs are excluded from the Work Plan and expressed concern that work plans are moral documents and should be sensitive to that and make every effort to be inclusive documents.

Ms. Atkins-Spivey asked if the Work Plan includes any provisions for NAGPRA compliance and working with the recently Federally recognized Pamunkey tribe to comply with NAGPRA and Section 106 of the National Historic Preservation Act. Director Julie Langan responded that this is an on-going effort and DHR has started coordinating with the National Park Service’s NAGPRA staff to comply with the law’s reporting requirements. DHR has been coordinating with the NPS on the mechanics of sharing information as well. An in-person meeting was discussed with Chief Gray, but is not yet scheduled.

Chair Smith asked for other comments. Hearing none, he said that a budget reduction occurred in the just-completed state fiscal year and another 7.5% budget cut is anticipated for the next state fiscal year. He suggested that topics discussed today such as HBCUs and NAGPRA compliance are more difficult to pursue in the face of budget cuts. Ms. Atkins Spivey clarified that NAGPRA compliance must be completed to comply with Federal law. Vice-Chair Peters noted that staff often are responding to inquiries from the public from day to day and that such time spent on working with the public as well as staff and budget cuts often means that such topics may not be included in the Work Plan. She noted the Work Plan is an outline of proposed work for the fiscal year but that everything in it may not be accomplished due to unforeseen circumstances.

Chair Moore asked the SRB members for questions or comments about the Work Plan. None were made.

Chair Smith asked for a motion to accept the work plan as presented, with the comments as noted in the discussion. A motion was made by Ms. Kim and Dr. Fairfax seconded the motion. The motion passed unanimously.

Chair Moore asked the SRB to approve the Work Plan as presented, with the additional comments as noted in the discussion. A motion was made by Mr. Salmon and Vice-Chair Lahendro seconded the motion. The motion passed unanimously.

Deputy Director Williams informed the Boards that state regulatory changes concerning the National Register and NHL designation processes in Virginia became effective on December 17, 2016, and that state regulations concerning the Virginia Landmarks Register designation process would become effective on December 28, 2016.

Deputy Director Williams notified members of both Boards that financial disclosure statements will be sent to each member and the filing deadline will be January 15, 2017.

Chair Smith thanked the Deputy Director and introduced Director Langan.

Director's Report (DHR)

Director Langan welcomed the guests in attendance. She introduced Catherine Shankles from the Office of the Attorney General and two new DHR staff members, Sumi Lenneau, Director of Fiscal Services, and Sharon Erdt, Finance and Grants Manager. She added that two vacancies in program staff will be filled soon.

Director Langan explained that the state budget has experienced a shortfall. DHR was required to take a 5% cut from the current fiscal year's general fund appropriation, and met it by reducing the Virginia Battlefields Preservation Fund, as the Governor's administration preferred to cut grant funds not yet committed instead of cutting staff.

Director Langan said state agencies have been notified that agencies will be asked to take a 7.5% budget cut for the State Fiscal Year 2017-2018. DHR has been encouraged to take the cut from the Virginia Battlefields Preservation Fund again. She said the Governor's state budget proposal has not yet been finalized. Director Langan added that DHR also is completing other cost-cutting measures, particularly by closing DHR's Petersburg office, which existed for 25 years, first as the Capital Region Preservation Office and later as the Administrative Division's location. DHR's administrative staff now have been relocated to DHR's headquarters in Richmond. She noted that the City of Petersburg had provided the office space without charging rent. Director Langan thanked all of the DHR staff who have assisted in different ways with meeting budget cuts.

For the upcoming General Assembly session, Director Langan stated that DHR has no legislation of its own under consideration but will be monitoring bills presented by others that may affect DHR's work. The Governor's administration has a proposal pertaining to African American burials located in cemeteries that are not receiving perpetual care. It follows the model of funding for maintenance of Confederate and Revolutionary War graves. Graves of African Americans who were themselves enslaved or were the first generation born after slavery ended will be a third category of historic graves receiving this type of funding for maintenance and care. Director Langan said there is a possibility that a bill will be introduced to change the state historic tax credit, such as by placing a cap on the amount of credits that can be issued in a fiscal year. DHR is now working with Virginia Commonwealth University to update a recent economic impact study about the state tax credit program, and also under way is a private-sector study to analyze the economic impacts of the tax credit program.

Director Langan added that every year during the General Assembly session, Preservation Virginia hosts a legislative reception in Richmond. The next such reception will be January 26, 2017, and everyone with an interest in historic preservation is invited to attend.

On the Federal front, Director Langan said the Historic Preservation Fund recently was reauthorized by Congress; this legislation assures continuity of critical Federal funding to SHPOs and THPOs. The legislation is now awaiting the President's signature.

Director Langan reminded Board members that she has emailed members the 2017 meeting dates and proposed locations. Two-day meetings will not take place in 2017 as part of the cost-cutting measures DHR is making. Falmouth and Mathews County are the two locations proposed for meetings outside Richmond.

Boards Training: Presentation of Register Program Manual for Board Members

DHR Register Historian Lena McDonald presented the Register Program Manual for members of the BHR and SRB. She explained that it is a draft manual and requested the Board members review it and provide suggestions for improvements. Currently DHR plans to have the manual finalized in time for the March 2017 joint board meeting, when it will be provided in hard copy and electronic format.

Boards Training: Confederate Monuments

DHR Survey and Register Division Director Jim Hare presented the report of the Governor's Monument Work Group. He explained the group's origin and purpose. He also explained why DHR is involved in consideration of war memorials. He explained that ordinarily commemorative properties are not eligible for listing in the historic registers either due to age or because the property lacks significance beyond its commemorative nature. He explained that the 50-year guidance is useful for allowing future generations to reconsider commemorative properties after they have reached historic age. He explained that war memorials can have numerous historical associations beyond the event or person they commemorate, such as the Confederate markers along Jefferson Davis

Highway, which are associated with women's involvement in Lost Cause memorialization during the early 20th century and with development of Virginia's early improved roads network designed for automobile transportation. He summarized the distribution and frequency of known Confederate monuments across Virginia, and that many have been listed in the Registers as part of historic districts; very few such monuments are individually listed. He explained that his presentation is available on DHR's website and that the Work Group's report also is available on DHR's website and the Secretary of Natural Resources website.

Vice-Chair Lahendro asked if plaques fall under the "other commemorative memorial" category. Mr. Hare said yes. Vice-Chair Lahendro noted that evaluation of the plaque could be complicated by its attachment to a historic building.

Chair Smith announced a brief break before proceeding to nominations. SRB member Gabrielle Lanier arrived prior to the presentation of nominations.

NOMINATIONS

The following Eastern Region nominations were presented as a block by Mr. Marc Wagner, after which public comment and discussion by the Boards took place.

Eastern Region.....presented by Marc Wagner

1. Cedar Lane, New Kent County, #063-0005, Criterion C
2. Cumberland, New Kent County, #063-0104, Criteria A and C
3. Moss Side, New Kent County, #063-0229, Criterion C

Comments made:

Chair Smith asked if work is planned on Cedar Lane and Mr. Wagner said yes. Vice-Chair Lahendro asked why Cumberland is being nominated under Criterion A and Mr. Wagner explained its association with military events during the Civil War. Ms. Atkins-Spivey added that there were other military encampments in Cumberland's vicinity beyond that mentioned in the nomination.

Chair Smith invited public comment regarding the nominations. No comments were made.

Chair Smith requested a motion to approve the nominations as presented. With a motion from Ms. Atkins Spivey and a second from Vice-Chair Peters, the BHR voted unanimously to approve the nominations as presented.

Chair Moore requested a motion to approve the nominations as presented. With a motion from Vice-Chair Lahendro and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the nominations as presented.

The following Eastern Region nominations were presented as a block by Ms. Elizabeth Lipford, after which public comment and discussion by the Boards took place.

Eastern Region.....presented by Elizabeth Lipford

1. **Higgins Doctors Office Building, City of Richmond, #127-7028, Criterion C
2. Miller's Tavern Rural Historic District, Essex County, #028-5030, Criteria A and C
3. **Rockfalls, City of Richmond, #127-7044, Criterion C

Comments made:

Chair Smith asked about the current purpose of the Higgins Doctors Office Building. Mr. Wagner said it is being rehabilitated and will resume its use as an office building. Chair Smith asked if the flat roof leaks. Ms. Lipford said it appears to be sound.

Ms. Hylah Boyd introduced herself, her husband, and several people who own property within the Miller's Tavern Rural Historic District.

Chair Moore asked for revisions to the Millers Tavern Rural Historic District nomination to be circulated among Board members before it is sent to the National Park Service. Ms. Lipford explained that additional information about archaeological resources within the district will be added and that specific citations accidentally left out of the review nomination will be as well. Vice-Chair Peters said it was good to see so many primary resources included in the nomination's bibliography and that is possible because Essex County is one of the few in Virginia that has been able to retain records from its earliest days.

Chair Smith asked what is planned for Rockfalls. Ms. Susan Auman said the owner plans to restore the dwelling and remove overgrown vegetation. Dr. Bon-Harper asked if it will remain a residential property and Ms. Auman said that is yet to be determined.

Chair Smith invited further public comment regarding the nominations. No comments were made.

Chair Smith requested a motion to approve the nominations as presented. With a motion from Vice-Chair Peters and a second from Mr. Fisher, the BHR voted unanimously to approve the nominations as presented.

Chair Moore requested a motion to approve the nominations as presented, with the caveat that the Millers Tavern Rural Historic District nomination will be updated as discussed. With a motion from Vice-Chair Lahendro and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the nominations as presented, with the caveat that the Millers Tavern Rural Historic District nomination will be updated as discussed.

The following Eastern Region nomination was presented by nomination author Ms. Melina Bezirdjian, after which public comment and discussion by the Boards took place.

Eastern Region.....presented by Melina Bezirdjian

1. Markel Building, Henrico County, #043-0715, Criterion C

Mr. Pettus LeCompte thanked Ms. Bezirdjian for preparing the nomination. He said he and two partners purchased the building from the Markel family who originally owned the property. Mr. LeCompte shared a couple of anecdotes about how the building is perceived by the general public. He said after Hurricane Isobel caused damage in Richmond, an attorney from the Tidewater area came to the building for a meeting and thought the building had been damaged in the storm and was surprised that the building actually had been designed to look as it does. Mr. LeCompte said that the building is on Henrico County's historic list and a county marker has been installed at the property, but that the building also is on the "10 Ugliest Buildings in the U.S." website. Mr. LeCompte acknowledged the building is unique and distinctive. He invited the Board members to come anytime for a tour.

Vice-Chair Peters said the nomination was exceptional and well done. The building has long been a landmark because of its unusual appearance.

Vice-Chair Lahendro commended Mr. LeCompte for appreciating the building's significance. Dr. Bon-Harper thanked Ms. Bezirdjian for her work on the nomination.

Chair Smith requested a motion to approve the nomination as presented. With a motion from Mr. Fisher and a second from Ms. Atkins-Spivey, the BHR voted unanimously to approve the nomination as presented.

Chair Moore requested a motion to approve the nomination as presented. With a motion from Vice-Chair Lahendro and a second from Dr. Lanier, the SRB voted unanimously to approve the nomination as presented.

The Northern Region nomination was presented by Ms. Aubrey Von Lindern, after which public comment and discussion by the Boards took place.

Northern Region.....presented by Aubrey Von Lindern

1. Jacob Bowman House, Shenandoah County, #085-0207, Criterion C

Comments made:

Chair Smith asked that the property owner be thanked for preserving the property's remarkable integrity.

Chair Smith invited public comment regarding the nominations. No comments were made.

Chair Smith requested a motion to approve the nomination as presented. With a motion from Mr. Gruber and a second from Ms. Atkins-Spivey, the BHR voted unanimously to approve the nomination as presented.

Chair Moore requested a motion to approve the nomination as presented. With a motion from Dr. Lanier and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the nomination as presented.

Chair Smith announced that the Western Region nominations would be presented individually by Mr. Michael Pulice, after which separate public comment and discussion of each nomination by the Boards took place.

Western Region.....presented by Michael Pulice

1. **Lynchburg Hosiery Mill #1, City of Lynchburg, #118-0126, Criteria A and C
2. Snow Creek Anglican Church, Franklin County, #033-0135, Criteria A and C, Criteria Consideration D

Comments made:

Chair Smith invited public comment regarding the nomination of the Lynchburg Hosiery Mill #1. Mr. Gruber asked about the building's future use and Mr. Pulice said it is being rehabilitated and converted to residential use. Dr. Bon-Harper asked about following up on her review comments regarding inclusion of information about manufacturing processes within the building. Mr. Pulice said those comments had been sent to the nomination author. Mr. Hare noted that a nomination is not intended to be a comprehensive history of a property and that such information is not always readily available as the manufacturing equipment is no longer in place. The SRB members agreed and asked that such information be included if it is available. Dr. Bon-Harper commended the nomination for its inclusion of gender and race issues and diversity in the workplace.

Chair Smith requested a motion to approve the nomination as presented. With a motion from Mr. Fisher and a second from Mr. Gruber, the BHR voted unanimously to approve the nomination as presented.

Chair Moore requested a motion to approve the nomination as presented. With a motion from Dr. Bon-Harper and a second from Dr. Lounsbury, the SRB voted unanimously to approve the nomination as presented.

Chair Moore announced that Dr. Lounsbury would remain in the room for presentation of the nomination for Snow Creek Anglican Church, of which he was a co-author, but he would recuse himself from consideration of the nomination.

Dr. Lounsbury left the room at 11:32 a.m.

Chair Smith asked for comments regarding the nomination for Snow Creek Anglican Church. Ms. Atkins Spivey asked about why Criteria Consideration D was included in the nomination, and Mr. Pulice explained it was because the property had to meet the criteria consideration due to the large cemetery on the property

Chair Smith requested a motion to approve the nomination as presented. With a motion from Mr. Fisher and a second from Ms. Atkins-Spivey, the BHR voted unanimously to approve the nomination as presented.

Chair Moore requested a motion to approve the nomination as presented. With a motion from Dr. Bon-Harper and a second from Lahendro, the SRB voted unanimously to approve the nomination as presented.

Dr. Lounsbury returned to the room at 11:33 a.m.

The joint meeting adjourned at 11:33 a.m.

Register Summary of Resources Listed: Historic Districts: 1
Buildings: 9
Structures: 0
Sites: 0
Objects: 0
MPDs: 0

BOARD OF HISTORIC RESOURCES

Harry M. Bluford Classroom, Virginia Historical Society, 428 N. Boulevard, Richmond, VA 23221

Board of Historic Resources Members Present:

Clyde Paul Smith, Chair
Margaret T. Peters, Vice-Chair
Ashley Atkins-Spivey
Dr. Colita Nichols Fairfax
Frederick S. Fisher
Drew Gruber
Nosuk Pak Kim

Department of Historic Resources (DHR) Staff Present:

Julie Langan, Director
Stephanie Williams, Deputy Director
Jennifer Pullen
Jennifer Loux
Brad McDonald
Megan Melinat
Joanna Wilson Green

Historic Resources Board Members Absent:

None

Other State Agency Staff Present:

Catherine Shankles (Office of the Attorney General)

Guests Present:

Adam Gillenwater (Civil War Trust)
Jim Campi (Civil War Trust)
Tom Gilmore (Civil War Trust)
Linda Simmons Henry (Nellie Pratt Russell marker)
Iris W. Jones (Nellie Pratt Russell marker);
Gary Powers Jr.
Grace S. Thompson (Nellie Pratt Russell marker)
Addie R. Whitaker (Nellie Pratt Russell marker)
Edna Packer (Nellie Pratt Russell marker)

HIGHWAY MARKERS

Mr. Smith, Chair, reconvened the meeting of the Virginia Board of Historic Resources at 11:37 a.m., described the role of the Board and noted there was a quorum of the members present.

Jen Loux, Highway Marker Program Manager, introduced herself and presented the Sponsor Markers –Diversity, Sponsor Markers, Consideration of Replacement Marker Texts, and Chesterfield County interpretive sign designs.

Sponsor Markers - Diversity

1. Nellie Pratt Russell (1890-1979)

Sponsor: Alpha Kappa Alpha Sorority, Inc.

Locality: Brunswick County

Proposed Location: 18021 Christanna Highway (Route 46)

Comments Summary:

Dr. Fairfax acknowledged several members of the Alpha Kappa Alpha sorority in attendance, including her mother, Ms. Brenda Nichols. Ms. Grace Thompson and Ms. Edna Packer spoke in support of the marker. Vice-Chair Peters mentioned her husband was on the Board at St. Paul's College and also expressed her support for the marker. Dr. Fairfax also pointed out that Nellie Pratt Russell's father-in-law founded St. Paul's college. With a motion from Dr. Fairfax, and a second by both Mr. Fisher and Chair Smith, the Board unanimously approved the Nellie Pratt Russell marker as proposed.

Chair Smith paused the meeting to introduce Mr. Gary Powers, an expert on the Cold War, who was in the audience.

2. Capt. Andrew Maples Jr., Tuskegee Airman

Sponsor: Emanuel Baptist Church

Locality: Town of Orange

Proposed Location: W. Church St. and S. Madison Rd. (US 15)

Captain Andres Maples Jr.'s granddaughter spoke in support of the marker.

3. Cpl. Clinton Greaves (1855-1906)

Sponsor: Madison American Legion Post 157

Locality: Madison County

Proposed Location: 1 Main St., Madison

4. School Transportation

Sponsor: Hunter Family

Locality: Ashland

Proposed Location: Route 1 just north of Route 54

With a motion to approve markers 2, 3 and 4 in the Sponsor Markers – Diversity category from Mr. Fisher, and a second from Ms. Atkins-Spivey, these three markers were unanimously approved as proposed.

Sponsor Markers

1. Dogwood Vietnam Memorial

Sponsor: The Dogwood Vietnam Memorial Foundation, Inc.

Locality: Charlottesville

Proposed Location: McIntire Park

2. Oakwood Cemetery

Sponsor: Oakwood Cemetery

Locality: Martinsville
Proposed Location: 107 Cemetery Street

3. Virginian Railway Station

Sponsor: City of Roanoke Public Works
Locality: Roanoke City
Proposed Location: 1402 Jefferson Street SE

With a motion from Mr. Gruber, and second from Dr. Fairfax, the three Sponsor Markers were unanimously approved as proposed.

Consideration of Replacement Marker Texts (VDOT project)

- | | |
|--|--------------------|
| 1. Colley's Cabin, XB-24 | Dickenson Co. |
| 2. First Court of Scott County, KA-15 | Scott Co. |
| 3. Battle of Marion, K-26 | Smyth Co. |
| 4. Lead Mines, K-39 | Wythe Co. |
| 5. Colle, W-201 | Albemarle Co. |
| 6. McClellan Relieved of Command, FF-8 | Fauquier Co. |
| 7. Battle of Trevilian Station, W-209 | Louisa Co. |
| 8. Germanna Ford, J-35 | Orange Co. |
| 9. James Madison's Birthplace, EP-8 | King George Co. |
| 10. Rosegill, OC-35 | Middlesex Co. |
| 11. Chambers Stamp Factory, O-54 | Northumberland Co. |
| 12. Chatham, J-60 | Stafford Co. |
| 13. Warraskoyack Indians, K-244 | Isle of Wight Co. |
| 14. Sharpsburg/Antietam Campaign, T-37 | Fairfax Co. |
| 15. Stuart's Ride Around McClellan, E-74 | Hanover Co. |
| 16. Sad Reunion, PA-251 | Henrico Co. |
| 17. Salem Chapel, S-70 | Mecklenburg Co. |
| 18. New Kent Courthouse, WO-16 | New Kent Co. |
| 19. Peninsula Campaign, WO-31 | New Kent Co. |
| 20. Giles's Home, O-31 | Powhatan Co. |

The condition of these twenty markers were identified by the Virginia Department of Transportation (VDOT) as beyond repair and thus present DHR with an opportunity to update their respective texts. Chair Smith asked if DHR anticipated additional markers in similar condition. Loux replied that she expected more such markers at the next four or five Board meetings. The Board also pointed out additional advantages to the updated markers including the fabrication in aluminum, upper and lower case text for easier reading, and safer installation locations. With a motion from Ms. Kim and a second from Mr. Gruber, the request was unanimously approved.

Consideration of two interpretive signs designed and sponsored by Chesterfield County (in accordance with the Code of Virginia §§ 10.1-2209-10.1-2210 (1950, as amended))

1917 Courthouse
World War I in Chesterfield County

The designs of these markers were reviewed to ensure that they do not resemble Virginia Highway Markers. Mr. Gruber questioned if these markers are mounted differently than Virginia Highway Markers. Ms. Loux confirmed that the county markers were mounted with two poles at an angle. With a motion by Ms. Kim and a second by Vice-Chair Peters, the request was unanimously approved.

At 12:06 p.m., Chair Smith announced the Board would break for lunch. Dr. Colita Nichols Fairfax left the meeting.

Chair Smith reconvened the Board at 12:51 p.m.

Board of Historic Resources Members Present:

Clyde Paul Smith, Chair
Margaret T. Peters, Vice-Chair
Ashley Atkins-Spivey
Frederick S. Fisher
Drew Gruber
Nosuk Pak Kim

Department of Historic Resources (DHR) Staff Present:

Julie Langan, Director
Stephanie Williams, Deputy Director
Gillian Bearns
Joanna Wilson Green
Brad McDonald
Megan Melinat

Board of Historic Resources Members Absent:

Dr. Colita Nichols Fairfax

Wendy Musumeci

Jennifer Pullen

Elizabeth Tune

Other State Agency Staff Present:

Catherine Shankles (Office of the Attorney General)

Guests Present:

Adam Gillenwater (Civil War Trust)

Jim Campi (Civil War Trust)

Tom Gilmore (Civil War Trust)

Gary Powers

Stephanie Pate

Chair Smith suggested completing the Easement Policies section of the agenda first, due to the fact that a member of the Civil War Trust was delayed in traffic. Mr. Gruber made a motion to amend the posted agenda and conduct the Easement Program Policies review first, and then continue with the agenda as posted. Vice-Chair Peters seconded the motion and it was unanimously passed by the Board.

EASEMENTS

Director Langan explained the programmatic goal of wholesale review of all the easement program policies at some point in the coming year. Today, however, easement staff was presenting Policy #12 and #13 for information purposes only, and requesting Board action on the proposed revisions to Policy #2. Director Langan noted that the Office of the Attorney General had provided comments on Policy #12 and #13 they would be taking into consideration.

Easement Policies

1. Easement Program Policy #2: Criteria for Acceptance of Easements

Proposed revisions to existing policy to ensure receipt of necessary information and contact with property owner prior to consideration by Board

Ms. Bearns presented the proposed minor revisions to existing Board Policy #2 including a revised submission deadline for applicants to thirty (30) days before the Easement Acceptance Committee meeting; changing the date for the two-year Board approval expiration date from the date of the letter prepared by staff and sent to each applicant to the date of the meeting at which the offer or project was approved; and minor grammatical/ syntax edits. Ms. Bearns noted that the change regarding the deadline for submission of a complete new easement offer was made at the direction of the Board to ensure that information relevant to their consideration was not being submitted immediately prior to the Board meetings without adequate time for staff review. The Board was asked to vote on these revisions which were made to address issues with the intake and processing of new easement applications.

Comment Summary:

Mr. Gruber commented that the proposed modifications make sense and do not appear to place undue hardship on applicants.

Chair Smith asked for a motion to approve the revisions to Policy #2 as presented, which was made by Vice-Chair Peters. The motion was seconded by Ms. Kim and approved by the Board unanimously.

Ms. Bearns agreed to send formal copies of the updated policy to each of the Board members via email and to provide hard copies at the March meeting for inclusion in their BHR Easement Program manuals.

2. Easement Program Policy #12: Conversion/Diversion

Proposed new policy to address process by which the Board reviews any activity affecting an easement it holds under the Open-Space Land Act that may constitute conversion or diversion

3. Easement Program Policy #13: Administrative Fees

Proposed new policy and administrative fee schedule for certain types of new easement transactions and projects involving existing easements held by the Board

Ms. Bearns then introduced Policy #12: Conversion/Diversion, and Policy #13: Administrative Fees. These are new policies provided to the Board members for their review. These will be brought back to the Board in March for their formal vote. For proposed Policy #12, Ms. Bearns explained that the vast majority of the easements held by the Board are under the Open-Space Land Act and are therefore subject to the conversion/diversion requirements of Section 10.1-1704. Recently various projects have been brought to the Board for its consideration regarding conversion/diversion and staff thought it would be helpful to both applicants and the Board to provide some guidance in a written policy as to the types of projects that require such consideration and the process. Ms. Bearns noted that staff identifies those projects that require a determination of whether they constitute conversion/diversion and those are brought to the Board. Unfortunately the terms conversion and diversion were not defined in the legislation for the Open-Space Land Act and staff rely on guidance from the Office of the Attorney General provided in the late 1980s and early 1990s regarding a VDOT project that would have

affected Old Mansion, the first easement accepted by the Board in 1969. Staff also looks to the federal Land and Water Conservation Fund Act, from which the conversion/diversion language was drawn, and also to what other agencies like the Virginia Outdoors Foundation are doing. This new policy seeks to provide more definitive guidance as to how these projects should be considered and the process. It is intended to help property owners, applicants, which are often utility companies or state or local government agencies, and Board members.

Ms. Bearns then introduced proposed Policy #13: Administrative Fees. This policy is intended to provide some funding for projects that require a substantial dedication of staff time. The projects were selected based on the types of projects that routinely demand significant staff time; impose additional stewardship requirements; and projects that do not enhance the protection of the historic resources. The actual fee schedule was based on some initial research into how much staff time is typically expended on these projects and the hourly rate of the staff members who work on these projects. There may be additional adjustments to the numbers based on more research, particularly as only a few of these projects have recently concluded and staff will need to evaluate the files to better assess the actual time invested. Ms. Bearns noted that the conversion/diversion projects, for example, tend to be complex and are very time consuming which limits the amount of time available for processing and developing new easement projects and for stewardship of existing easements. Ms. Bearns encouraged the Board to provide comments and feedback on the proposed fee schedule to staff. Mr. Fisher questioned whether staff had considered an hourly rate where the effort extended over a longer time for staff. Ms. Bearns replied that staff had done so, and Policy #13 included a provision allowing for time above and beyond forty (40) hours, a standard work week, to be billed at the hourly rate or rates of the staff members working on the project. This is comparable to the schedule implemented by the Virginia Outdoors Foundation last year. Director Langan pointed out that DHR has never charged fees and that these administrative fees were being proposed with some reluctance. The fees keep DHR in line with other easement programs and are consistent with the Governor's and General Assembly's direction to seek sources of revenue to help cover costs of administering these programs. From DHR's perspective, this may be the only way to enhance staff capacity of the program.

Mr. Gruber expressed concern that such a policy might set a precedent for state budgets moving forward, and that the Board would not want to adversely affect any future funding. Director Langan responded that his point was well taken and that communicating the needs of the agency would be key in that regard and at this point the fees would allow the Department to supplement its full time staff with part time assistants. Ms. Bearns noted that a graduate student in the planning program at the University of Virginia worked with the Easement Program as a volunteer over the summer and that she will be rejoining the Program on a part-time basis this spring, particularly to help with the volume of new easement projects that need to be processed. Ms. Bearns also stated that currently the funding for this would be drawn from the same pool of money allocated to hire interns each summer to assist with stewardship and monitoring visits. The moneys from the administrative fees could be used to hire part-time assistants to help with the intake and processing of new easements or similar projects. Vice-Chair Peters commented that it is almost impossible to generate enough money to hire a full-time employee, so hourly staff is the best way to address staffing shortfalls. Ms. Bearns agreed and stated that DHR also works with university programs to enhance staffing needs. Chair Smith asked how much program interns were paid. Division Director Tune replied that it depended on several factors, but was typically in the range of \$14-\$16 per hour.

Ms. Bearns reiterated these are new policies that will be brought forward in March for a vote. She asked that Board members provide comments to her or to Division Director Tune. Comments may be made by marking up the document and sending it over email or marking up the hard copy and sending it by mail. Vice-Chair Peters requested that the draft policies be provided in Word format to facilitate editing and comments. Ms. Bearns will resend the proposed policies to the Board as a Microsoft Word document so that individual members can track their changes directly in the document.

Presentation by the Civil War Trust

Jim Campi, Chief Policy and Communications Officer with the Civil War Trust (CWT), presented an overview of the organization's mission. Tom Gilmore, Director of Real Estate, explained the process by which the organization acquires and preserves land. Adam Gillenwater, State and Local Relations Associate, discussed the organization's approach to restoration and interpretation of battlefield properties and collaborations with partner organizations.

Chair Smith acknowledged that there has been some friction with CWT regarding battlefield properties which have structures that post-date the Civil War and that DHR determines are historically significant. Chair Smith observed the Board understood CWT's mission and that CWT understood the Board's mission to preserve structures that are historically significant and suggested that both organizations discuss such issues in a frank and direct manner. Mr. Campi responded that for many of the properties, there are multiple stories that could be told and that benefited CWT as well.

Easement Offer for Reconsideration

Director Langan presented the following item for reconsideration based on changed circumstances and receipt of additional information:

Stock Tract, Brandy Station Battlefield, Culpeper County

Property Owner: Jeremy S. Stock

Acreage: 70 acres

Proposed easement assignment subject to conditions, and additional information on eligibility of architectural resources

At the September 2016 Board meeting, the Board voted 4-2 to accept the easement offer subject to the following conditions:

1. The deed of easement includes a provision prohibiting willful demolition of the main historic house and any outbuildings determined by DHR to have historic significance.
2. Notwithstanding Condition #1 above, the deed of easement for the 70-acre historic battlefield property shall be consistent with the standard provisions in DHR's current Civil War battlefield easement template and adopted Board policies.

Since that meeting, there have been subsequent developments related to the property that make it appropriate for the Board to reconsider its prior determination and reconsider the new information.

New information: On October 20, 2016, the DHR National Register Architectural Evaluation Team determined that the complex of buildings located on the property has a high degree of integrity and thus is eligible for National Register listing in three of the four criteria considerations, at a national level of significance:

- Criterion A: Because of its direct association with Depression-era economics
- Criterion B: Due to its association with Lewis Strauss, former director of the Atomic Energy Commission and one of our country's most notable experts on nuclear energy.
- Criterion C: Due to its unique architectural form.

These revised conditions will require the inclusion of additional protection for the historically significant buildings and structures, in accordance with the grant funding through the American Battlefield Protection Program (ABPP), pursuant to the Section 106 review process. Director Langan described the property as a historic designed landscape surrounded by a larger cultural landscape that was the battlefield. Therefore, the easement must require maintenance of the historic buildings and structures on the property, in their present condition or better, in order to avoid a finding of "Adverse Effect". There is concern that the property owners are not interested in conveying an easement that contains provisions for additional protections of the buildings.

Director Langan noted that CWT has a Purchase Agreement with the owner that expires December 31, 2016. Because DHR does not have the staff capacity to prepare the necessary baseline documentation and draft the deed of easement by the December 31st deadline, the Civil War Trust (CWT) proposed to temporarily hold the easement and then re-assign it to the Board. The Director and representatives from the CWT and ABPP met and determined several conditions for such an agreement:

1. Reconsideration by the Board;
2. DHR must receive written evidence of ABPP's approval of the proposed transaction on or before December 7, 2016 (*Received*);
3. The grant agreement between ABPP and CWT must clearly state that the easement will be held by CWT on a temporary basis pending assignment to the Board no later than December 31, 2017, or, if the Board declines the assignment, by another qualified holder; (*Incomplete/Not Received*)
4. DHR must receive written confirmation from the property owner(s) on or before December 7, 2016, stating that (i) they understand that the easement will be held temporarily by CWT and that it must be re-assigned to the Board no later than December 31, 2017, (ii) they understand that it will be necessary to amend the easement so that it is consistent with DHR's current easement program policies and its template for battlefield easements; and (iii) they have received a copy of the form of DHR's current template for battlefield easements; (*Incomplete/Not Received*)
5. A date must be set for DHR staff to meet on site with CWT and the property owner(s) prior to the Board's next meeting on December 15, 2016, even if that date occurs after the Board meeting; (*Tentative Date Set for January 11, 2017*)
6. DHR must receive a draft of CWT's temporary easement on or before December 7, 2016; (*Received, review in process*)
7. Because this offer remains a work in progress, the Board is under no obligation to accept the assignment should DHR fail to reach agreement with the property owner(s) regarding the amended and restated deed of easement language that would be necessary as a result of the assignment.

In addition, DHR learned that the property was extensively relic hunted as part of multiple *Digging in Virginia* events and suspects that the archaeological integrity of the property is compromised. Further, there is concern that the property owners do not yet have a full understanding of the easement terms and provisions.

Director Langan stated that there is a risk to this conditional agreement scenario, but not a risk specific to the Board. CWT is moving forward with a transaction that may or may not conclude with the Board holding the easement. The Director's recommendation is that it is appropriate for the Board to consider rescinding the September 2016 decision and then consider whether or not to accept an easement assignment from CWT and under what conditions.

Comment Summary:

Chair Smith asked for confirmation from CWT that there are two outstanding items per the list of conditions outlined by Director Langan. Mr. Gilmore replied that the property owners have agreed in advance to an amendment that would simply authorize the Board to hold the easement under the Open Space Land Act, but they are not willing to agree to an amendment whose contents are not yet known. Mr. Gilmore added that as of this past Monday, the owners agreed to maintenance of the historic buildings and structures. Chair Smith asked if this was in writing. Director Langan and Mr. Gilmore replied no. Mr. Gilmore indicated CWT's intent is to use the battlefield template, so they do not believe any modifications will be necessary. The owners agreed verbally to the maintenance clause for the buildings. Ms. Shankles stated that there is confusion as it relates to the amendment. The amendment would be on the form of DHR's battlefield template and would be consistent with current easement program policies. She expressed doubt that there would be a way to draft the

initial easement such that it would satisfy DHR policies, given that the easements would be taken under differing laws and two easement holders with differing expertise. Director Langan confirmed that there is no question the easement will need to be amended and she had stated this directly to the property owners and CWT.

Ms. Tune noted that she had completed a preliminary high-level review of the draft easement provided to DHR by CWT and noted: (i) the draft includes both language for the authority under which CWT would hold the easement, as well as language that pertains to the Board as a holder; (ii), this deed should be between CWT and the property owner, therefore no language referring to the Open Space Land Act or any of the auspices under which the Board holds the easement should be included; (iii) staff recommendation would be that if the easement were ever assigned to the Board, the easement would be amended and restated to include the appropriate language for the Board of Historic Resources. Ms. Tune noted that recitals describing the eligibility of the historic buildings and structures for listing on the National Register and Virginia Landmarks Register would have to be included and the historic buildings and structures would have to be added to the corresponding maintenance provision. Ms. Tune added that a very important point for the Board to consider was that the standard language in DHR's battlefield template requires review and approval of changes to existing buildings as well as any new construction on the property. Ms. Tune commented that this language was included in the draft provided to DHR. Director Langan noted she did not hear the owners' acceptance of the review and approval aspect during her recent visit to the property. Mr. Gilmore agreed that the owners were not comfortable with the review and approval language, but were okay with the additional maintenance language. The owners' counsel has not yet reviewed the document.

Ms. Bearns commented that, since its inception, the DHR easement program has addressed the three prongs of preservation: demolition, maintenance and alterations over time so that historic resources are not eradicated through inappropriate changes. When buildings on a battlefield are determined eligible by the DHR Architectural Evaluation Team, staff includes the standard architectural language within the deed to include those three prongs of preservation. Ms. Bearns noted that this would eliminate one of the critical prongs allowing changes or alterations to the historic buildings and structures and that the buildings that are eligible for listing today could become ineligible over time under the easement. Mr. Fisher observed that there does not seem to be agreement between the program policy and the donor. Director Langan clarified that CWT was purchasing an interest in the property and the current property owners would remain the owners and because of that DHR has not been negotiating directly with the property owners. Director Langan stated that she did not hear anything more from the property owners than agreement to no-demolition and maintenance. Mr. Gruber stated that the transition between the CWT easement and the one held by the Board is critical – if the buildings are not protected, the Board compounds the confusion in the negotiations, particularly when this is not a fee simple transaction. The Board needs to be aware that if the transition is not handled well, neighboring property owners will not be inclined to protect their lands with easements. The Board should not take on an easement that doesn't fit our program parameters but instead facilitate the protection of the property within our program parameters. Mr. Fisher recalled reading that if the offer was not satisfactory to the Board, CWT would find a different holder, which seems like a viable solution. Chair Smith said he found that solution problematic. Director Langan stated that ABPP is expecting that the Board will ultimately hold the easement; should the Board decline to do so, it will be up to ABPP to accept an alternate holder. Mr. Fisher expressed concern that the owners do not fully understand the expectations and details of our easement. Ms. Bearns pointed out that the entire battlefield landscape is protected under our template. Mr. Gilmore mentioned that these owners are involved in the ownership of 1,400 acres, and these 70 acres we are discussing are under a single owner – this is the first step in protecting this portion of the battlefield. CWT considered carving out the house and buildings, but felt that protecting the entirety was preferred; the alternative is that nothing gets protected. Vice-Chair Peters stated she understood the battlefield was significant, but that the finding of significance at the national level by the DHR Architectural Evaluation Team concerned her. Should the Board not uphold the template language in this instance, it would set a dangerous precedent. She expressed concern about altering Board standards to accommodate a single offer. Chair Smith agreed that without protection, there is a risk of losing the integrity of the buildings and the property, which conflicts with the responsibilities of the Board. Mr. Gruber asked CWT if they felt that they could get the owners on board with the conditions being discussed. Mr. Gilmore did not believe the owners would agree to the additional conditions. Ms. Tune asked for clarification from CWT regarding limited allowances for new construction and that the draft DHR received did not include review and approval of the existing structures, but did for the new construction. CWT staff confirmed both aspects. Ms. Shankles pointed out that the September Board decision was not based on complete information. Ms. Bearns observed that the purchase contract has placed these constraints on the proposal and made typical negotiations between staff and an owner impossible. She then asked what happens if the contract expires; will the owners come back for further discussions. Mr. Gilmore stated that they may be willing, but at a higher purchase price and the CWT Board has only approved temporarily holding an easement as well as funding the current purchase amount. Ms. Bearns pointed out that the results of the Evaluation Team determination would result in a higher application score for other funding sources and grant programs. Director Langan agreed but stated she did not feel the owners would ever be comfortable with any building protections beyond maintenance, despite their understanding that their property is important.

Ms. Atkins-Spivey asked about the archaeological consideration and whether the relic hunting would have an impact. Ms. Bearns responded that the *Digging in Virginia* information came to light after the Section 106 review process had closed, so this aspect may warrant reconsideration. Ms. Atkins-Spivey asked what the owners' opinion was regarding these resources. Chair Smith and Ms. Bearns replied that the owners were paid to allow the events on the property. Director Langan confirmed the owners understood relic hunting would cease with the easement. Mr. Gruber believes that understanding allows a path forward for easement protection.

Chair Smith stated that the whole offer hinges on the review and approval aspect of the buildings and structures. Ms. Wilson Green pointed out that the review and approval process extends to ground disturbance as well. The property owners may not understand that they would be required to pay for an archaeology investigation if it were warranted. Director Langan described a question that arose during her

site visit about whether the owners would be able to install a geothermal system. After Director Langan explained the review and approval process and explained that depending on the circumstances the location of the well may have to be moved, the property owners resisted the idea of the process and that DHR would not fund a necessary relocation. Mr. Fisher stated that he did not believe the property owners had donative intent.

Mr. Gruber asked how this property impacted CWT's full plan for this area. Mr. Gilmore responded that it has significant impact, as another holder acceptable to ABPP needs to be found if the Board declines the offer. Director Langan clarified that the Board has right of first refusal under the ABPP grant guidelines. Mr. Gruber acknowledged that the sanctity of the easement program is on the line – if CWT is able to find another holder and the land is still protected without compromising the program that would be an acceptable solution. Mr. Campi inquired if there is any language that the Board could offer that would support CWT going back to ABPP as a path forward.

Chair Smith suggested that the Board rescind the September 2016 decision and take no further action at all. Ms. Shankles clarified that the owners would not accept restrictions on alterations to the building and inquired about their response to restrictions on ground disturbance. Director Langan replied that the owners did not like DHR's review of location.

Ms. Kim left the room at 2:38 and returned at 2:40.

Chair Smith suggested again that the Board rescind its September 2016 approval. Vice-Chair Peters made a motion to rescind the motion made by the Board at the September 2016 Board meeting, approving an easement over the Stock Tract protecting the entire battlefield property with restrictions on demolition of the existing buildings on the Stock Tract that DHR staff feels to be historically significant. Ms. Kim seconded the motion. Mr. Fisher requested that the reasoning behind the decision be included in the motion. Ms. Atkins-Spivey agreed and suggested that the reasons included the results of the Section 106 Review process and the additional information presented to the Board. Mr. Fisher stated that it was the policy of the Board not to protect a property unless it was fully protected and this should be included.

Vice-Chair Peters amended the motion to state "to rescind the motion approved by the Board at the September 2016 Board meeting, approving an easement over the Stock Tract protecting the entire battlefield property with restrictions on demolition of the existing buildings on the Stock Tract that DHR staff feels to be historically significant based on new information and the policy of the Board to fully protect known historic resources." Ms. Kim seconded the motion. A roll call vote was placed: Chair Smith – Aye; Vice-Chair Peters – Aye; Mr. Gruber – abstained; Ms. Atkins-Spivey – Aye; Ms. Kim – Aye; and Mr. Fisher – Aye.

Mr. Smith then asked if any Board member felt a second motion was warranted for a conditional approval of the offer. Mr. Gruber expressed optimism that a deal could still be worked out to bring everyone into agreement, that the risk seemed to be on the part of the CWT, and stated that he believed another holder would minimize the Board benefits. Chair Smith stated the Board appeared willing to approve a motion protecting the sanctity of the DHR program. Director Langan felt that it would increase the options if there was motion made.

Mr. Gruber made a second motion for the conditional approval of assignment of an easement over the Stock Tract from the Civil War Trust to the Board subject to the following conditions:

1. Assignment of the easement to the Board must occur prior to December 31, 2017;
2. DHR must receive written confirmation from the owners by December 31, 2016, that the easement being held by CWT is temporary and must be assigned to the Board no later than December 31, 2017; and that the owners understand assignment of the easement to the Board will require amendment to the easement so that it is consistent with DHR's current easement program policies and its template for battlefield easements; and that they have received a copy of the form of DHR's current template for battlefield easements;
3. The easement as assigned to the Board must be consistent with DHR's current policies and its template for battlefield easements;
4. The easement as assigned to the Board must include provisions prohibiting demolition of existing buildings on the Stock Tract and requiring maintenance of register-eligible buildings to a standard equal to their present condition;
5. Final approval of the assignment will require a separate vote at a subsequent Board meeting; and
6. Confirmation from DHR staff that they have communicated with the owners of the Stock Tract and CWT that these conditions must be met prior to final approval and acceptance by the Board.

Ms. Atkins-Spivey seconded the motion.

Vice-Chair Peters amended the motion to ensure inclusion of standard review and approval language. Mr. Campi then suggested not continuing with the second motion. Ms. Atkins-Spivey stated she thought the second motion provided additional time for negotiations. Mr. Gruber felt that if CWT staff did not want the Board to pursue a second motion, he respected that. Chair Smith reminded the room that the amended motion was on the floor and asked Ms. Shankles how to terminate the motion. Director Langan then stated that if the Board did not proceed with a second motion, ABPP would not have a clear understanding of the Board's position regarding the easement assignment, and this created an administrative problem for the grant process. Chair Smith stated that he believed the Board should provide an answer. Mr. Fisher expressed concern that this offer was moving forward and DHR staff had not yet spoken to the property owners to ensure the owners achieve full understanding. Mr. Gruber stated pursuing the motion simply provided an option for CWT. Mr. Fisher again expressed concern that the owners do not fully understand the easement document and expressed doubt that this could be confirmed by the end of the year. Director Langan stated that expecting the owners to understand the full breadth of the easement within two weeks

is setting things up for failure and questioned whether that needed to be included in the motion at all if the end product was consistent with program policies. Ms. Tune expressed concern as to how to determine that the owners fully understand the agreement.

Mr. Gruber made an amended motion that read: a motion for the conditional approval of assignment of an easement over the Stock Tract from the Civil War Trust to the Board subject to the following conditions:

1. Assignment of the easement to the Board must occur prior to December 31, 2017;
2. DHR must receive written confirmation from the owners by December 31, 2016, that the easement being held by CWT is temporary and must be assigned to the Board no later than December 31, 2017; and that the owners understand assignment of the easement to the Board will require amendment to the easement so that it is consistent with DHR's current easement program policies and its template for battlefield easements; and that they have received a copy of the form of DHR's current template for battlefield easements;
3. The easement as assigned to the Board must be consistent with DHR's current easement policies and its template for battlefield easements;
4. The easement as assigned to the Board must include provisions prohibiting demolition of existing buildings on the Stock Tract and requiring maintenance of register-eligible buildings to standard equal to their present condition and review and approval of all alterations to existing and new buildings and structures;
5. Final approval of the assignment will require a separate vote at a subsequent Board meeting; and
6. Confirmation from DHR staff that they have communicated with the owners of the Stock Tract and CWT that these conditions must be met prior to final approval and acceptance by the Board.

Mr. Fisher confirmed that if they sign this document by the end of the year, the owners are agreeing to the whole deal. Ms. Shankles confirmed the above conditions.

Ms. Atkins-Spivey seconded the motion. A roll call vote was placed: Chair Smith – Aye; Vice-Chair Peters – Aye; Mr. Gruber – Aye; Ms. Atkins-Atkins-Spivey – Aye; Ms. Kim – Aye; and Mr. Fisher – abstained.

Chair Smith announced a short break at 3:09 p.m.

The Board reconvened at 3:20 p.m.

Easement Project for Consideration

The following easement project was presented by Ms. Bearns for the Board's consideration.

1. Greystone, Loudoun County

Property Owners: Taylor Chamberlin and Cordelia Chamberlin

Overhead to underground power line conversion and assignment of easement

Greystone is comprised of multiple parcels totaling approximately 139 acres. The Property is not listed on the Virginia Landmarks Register or the National Register of Historic Places; only a small portion of the land is located within the boundaries of the Waterford Historic District. The initial easement was recorded in 1974. It was amended in 1984 to reallocate the reserved subdivision rights. It was again amended in 2002 to re-subdivide the Property and then in 2008 there was an amendment to allow for a small parcel containing a pool, located across the public road, to be subdivided off so that it could be conveyed to a community group and operated as a community pool. The Property is currently largely unimproved except for a barn and the pool. The main house parcel was not included in the easement. The easement was never restated but only amended each time so all four documents must be read together to understand the provisions. The 1974 easement had included provisions requiring review and approval of all new construction and a limitation on alterations of the topography. Those restrictions were deleted in the 2002 amendment. There are no restrictions to protect archaeological resources. This is a very unusual easement and it is unclear why the Board accepted it in 1974 since it does not comport with the Board's focused mission.

In 2015, Dominion Power contacted DHR about undergrounding two existing overhead electrical service lines. Last year Dominion received approval from the State Corporation Commission to underground service lines that experience a high rate of outage. Dominion has been conducting a study over its entire service area and has identified numerous properties that experience a higher than average rate of outage. In 2016, a portion of the property was sold consistent with subdivision allowances in the easement. Dominion Power's current proposal is to underground the existing lines to serve the main house parcel, which is not under easement, and to cross the easement property to serve an adjoining property, which is also not under easement. These underground lines will replace the existing overhead lines and the overhead lines will be removed. Dominion does need two new deeds of easement because the existing deeds of easement do not specifically permit undergrounding. As shown on the site plans provided by Dominion, the lines will be undergrounded largely within the existing easement areas. There are some slight deviations where Dominion proposes to follow the property boundaries more closely. Perhaps one of the few conservation values protected by this easement is the scenic quality and the undergrounding of these lines would be in furtherance of that.

Because the request is for the conveyance of two new deeds of easement that do not serve the property subject to the conservation easement, this proposal requires a determination by the Board as to whether it constitutes conversion or diversion. If the Board determines

that the proposed undergrounding does not constitute conversion, the Easement Acceptance Committee recommendations include: (i) approval for undergrounding of the two underground service lines as proposed; and (ii) include language in the new easements noting that Dominion's power of eminent domain does not apply to easements held under the Open-Space Land Act.

Ms. Bearns reiterated that the Open-Space Land Act does not include definitions of the terms "conversion" or "diversion." She again referred to guidance from the Attorney General's Office regarding Old Mansion and a memorandum prepared by Board member Fred Fisher as counsel with the Office of the Attorney General's Office to the Virginia Outdoors Foundation from 2014. Conversion is considered to be where the land use will change in a way that is inconsistent with the conservation easement but where the easement will continue to protect the property. Diversion is where that change of use is so incompatible that the conservation easement cannot protect the property and it must be released over the affected portion and substitute land must be placed under easement.

Comments summary:

Chair Smith confirmed that the easement contained no archaeological protections. Ms. Bearns stated that the easement does not provide any protection for archaeological resources. She also noted that this is a very atypical easement and that once all of the parcels have been sold, it might be advisable to discuss the possibility of assigning this easement to the Virginia Outdoors Foundation. Easement Program staff have been in discussion with the Virginia Outdoors Foundation about possibly assigning a handful of easements that, like Greystone, do not fit the Board's mission. The Virginia Outdoors Foundation has assigned easements to the Board that may more appropriately belong in this program, for example, Schooley Mill Barn in Waterford.

Chair Smith asked for a motion determining that the request was not considered conversion. Mr. Fisher stated that he did not believe that this type of project constituted conversion or diversion and he made a motion that this project is not conversion. The motion was seconded by Mr. Gruber.

Ms. Atkins-Spivey recalled that projects where the easement property would be affected for the benefit of another property are treated as conversion. Ms. Bearns responded that her recollection was correct and that the intent is to prevent the easement properties from being treated as beasts of burden for other properties not under easement. This project can be differentiated because the electrical easements and corresponding overhead lines already exist and predated the conservation easement and the only change is that they will now be placed underground in almost the exact same locations. The only reason new deeds of easement are required is because the existing Dominion easements date to the 1930s and undergrounding simply was not anticipated especially in a rural area. Dominion typically uses directional boring to underground these lines and the depth of the boring, which is usually 3-4 feet below grade, will avoid the cultural layers. The lines are brought to the surface to go through a transformer. The transformer sits on a pad that is set on the ground with no grading and only gravel to level it and the transformer is held in place by its own weight and the lines that run underground on both sides.

Ms. Atkins-Spivey noted that she appreciated the additional information. Ms. Bearns stated that because there are no definitions in the Open-Space Land Act we have to look back over the Board's fifty years of experience to see how these projects have been handled. The Easement Program takes a conservative stance that the authority lies with the Board and that the Board ought to review every project that may constitute conversion or diversion. The Board would make the initial determination and if it was conversion/diversion. Other holders, such as the Virginia Outdoors Foundation, allow the staff to make the determination and then their board only considers whether the project meets the statutory requirements and whether the substitute property is sufficient. If the Board determined it was conversion/diversion, the Board would be considering the project under every aspect of the statute.

The Board unanimously approved the motion that the proposed undergrounding project does not constitute conversion.

Ms. Bearns stated that the Board needed to vote whether to approve of the request for two new easements subject to the two recommended conditions that the easements cannot be permanent and the new deeds include standard language that Dominion's power of eminent domain does not apply to easements held by the Board under the Open-Space Land Act. The last condition makes it clear that Dominion cannot take additional land in the future but must go through Section 10.1-1704 if, for example, they wanted to widen the easement. Chair Smith asked if the new easements were wider. Ms. Bearns noted that they are approximately the same width as the existing easements.

Chair Smith asked for a motion. Mr. Gruber made a motion to approve the request for new utility easements subject to the recommended conditions. Vice-Chair Peters seconded the motion and it was unanimously approved by the Board.

New Easement Offers for Consideration

The following new easement offers were presented by Ms. Musumeci for the Board's consideration.

1. **Gregg Property, Kelly's Ford Battlefield, Culpeper County**
Property Owners: Thomas G. Gregg III and Carolyn J. Gregg
Acreage: 135.96 acres

Located along Kelly's Ford Road (VA Route 674) just west of Kelly's Ford in Culpeper County, the Gregg Property contains two tax parcels incorporating roughly 136 acres of land, primarily comprised of wooded cover. Existing buildings and structures located on the

property include improvements related to its use for recreational and hunting purposes. These generally include a garage/workshop, two storage sheds, one camper, entry gates, fencing, and three stone features that may be historic. A gas pipeline right-of-way with three existing pipes bisects the northwestern portion of the parcel, while an overhead electric line bisects the entire property in a perpendicular direction to the gas lines. There are also three ponds, the largest of which is located in the southwestern corner and has a perennial stream outflow to Mountain Run, a tributary of the Rappahannock River. The ponds are cultivated to enhance wildlife habitat.

A portion of the property lies within the core (approx. 20 acres) and study (approx. 45 acres) areas of the Kelly's Ford Battlefield, which has a Preservation Priority Rating of III.3 Class C from the Civil War Sites Advisory Commission ("CWSAC"). The CWSAC defines Priority III battlefields as those with good to fair integrity, but in need of "additional protection" by state and local governments or private entities, and further defines Class C battlefields as those "having an observable influence on the outcome of a campaign." The Battle of Kelly's Ford was fought along the Rappahannock River on March 17, 1863, and was one of the early larger-scale cavalry fights in Virginia that set the stage for Brandy Station and actions of the Gettysburg campaign. The property contains the general location of the 4th and 2nd VA regiments under Fitzhugh Lee as they moved southeast to attack Union forces under Major General William Averell. By mid-afternoon the 4th and 2nd VA regiments withdrew to the northwest.

A portion of the property lies within the study area of the Brandy Station Battlefield, which has a Preservation Priority Rating of I.3 Class B from the CWSAC. Priority I battlefields are those with a "critical need for coordinated nationwide action regarding their preservation" and Class B battlefields are defined as those "having a direct and decisive influence on their campaign," in this case the Gettysburg Campaign of 1863. During the June 9, 1863, battle, Union cavalry under the command of Major General Joseph Hooker crossed the Rappahannock River and attacked Confederate Major General J.E.B. Stuart's cavalry and several Confederate foot brigades, initiating the Battle of Brandy Station, the largest cavalry battle of the Civil War and the inaugural action of the Gettysburg Campaign. A number of skirmishes were fought on and around the property during the battle, including a skirmish near Kelly's Ford between Confederate Brigadier General Beverly H. Robertson's cavalry and Union Brigadier General David A. Russell's infantry brigade.

A portion of the property falls within the study area of the Rappahannock Station II Battlefield as determined by the CWSAC, which has given the Rappahannock Station II Battlefield a Preservation Priority IV.I Class B Rating. The CWSAC defines Priority IV battlefields as those that are fragmented, and further defines Class B battlefields as those "having a direct and decisive influence on their campaign," in this case the Bristoe Campaign of October to November 1863. During the November 7, 1863, battle, the Union army led by Major General George Meade attacked the Confederate Army stationed on the western side of the Rappahannock River by simultaneously attempting to cross the river at Kelly's Ford (southeast of the Property) and near the site of a demolished bridge at Rappahannock Station. Shortly after noon on November 7, Union Major General William H. French's III Corps drove back Confederate defenders at Kelly's Ford, crossed the River, and moved north along the property.

The property has been managed according to a Forest Stewardship Management Plan created by a professional forester with the Virginia Department of Forestry in 1998. The Civil War Trust ("CWT") intends to partially purchase the value of an easement over the property and has applied for an American Battlefield Protection Program ("ABPP") grant to partially fund the purchase. The remaining value of the easement will be the subject of a Virginia Land Preservation Tax Credit and federal income tax deduction. The landowner intends to retain ownership of the property and manage it for forest stewardship, wildlife management, and historic preservation purposes. Other proposed easement terms include: (i) division of the property into no more than 2 parcels; (ii) 1 new dwelling per parcel, no greater than 3,000 square feet in footprint and sited outside of core battlefield area; (iii) 1 new detached garage per parcel, no greater than 1,000 square feet in footprint and sited outside of core battlefield area; (iv) 2 new agricultural sheds at 250 square feet each; (v) one road/drive no greater than 2,500 feet long; (vi) use of the property for recreational purposes (hunting and camping), wildlife habitat improvement, and conservation/historic Preservation; and (vii) continued management of timber stands according to a Forest Stewardship Management Plan.

The Easement Acceptance Committee recommends acceptance of the offer as proposed, subject to the following condition:

- (i) The deed of easement shall include language to address forest management including timbering, replanting, landscape restoration and land conversion consistent with the current standard easement template.

Comments Summary:

Chair Smith called for a motion to approve the easement offer as recommended by staff. Vice-Chair Peters made a motion and it was seconded by Ms. Kim. The Board voted unanimously to approve the offer subject to the recommended condition.

2. Hunter Tract, Appomattox Court House Battlefield, Appomattox County

Property Owner: Paul and Edith Hunter; under contract to Civil War Trust

Acreage: 60.29 acres

Located off Oakleigh Avenue in Appomattox, Virginia, the 60.29-acre Hunter Tract contains one parcel of land comprised mostly of wooded cover with a rectangular-shaped meadow used primarily for agricultural crop production.

The property falls within the core area of the Appomattox Court House Battlefield, which has a Preservation Priority Rating of III.1 Class A from the CWSAC. The CWSAC defines Priority III battlefields as those needing additional protection and designates Class A as those battles having a decisive influence on a campaign and a direct impact on the course of the war, in this instance the Appomattox Campaign from March to April 1865 which ended in the Confederate Army's defeat and General Robert E. Lee's surrender at Appomattox. During the April 9, 1865, battle, both Federal cavalry and infantry divisions drove back Confederate infantry across portions of the property.

The property is bordered to the north by Plain Run Branch, a stream which is a tributary of the Appomattox River. The topography is generally level, with a gentle decline toward Plain Run Branch. The Hunter Tract has historically been used for residential and agricultural crop production purposes. Based on available records dating back to 1892 the property was developed in the early 1800s with a house. The house no longer exists, but the ruins of a chimney and small cemetery are still visible. Aerial images of the property also show evidence of prior timber harvests. The property is adjacent to Appomattox Court House National Historical Park and in close proximity to other easements held by the Board. There is currently no access to the property from a public right-of-way. However, CWT is working with an adjoining property owner to the south to obtain an access easement from Oakleigh Avenue. In August 2016, CWT signed a purchase contract with the current property owners. To assist with acquisition of the property, the CWT has applied for American Battlefield Protection Program ("ABPP") and Virginia Battlefield Preservation Fund grants. The CWT would like to reserve the right to construct amenities such as walking trails, footpaths, parking facilities, and signs, for interpretation of the property as a Civil War battlefield.

The Easement Acceptance Committee recommends acceptance of the offer as proposed, subject to the following conditions: (i) the deed of easement shall include language to address forest management including timbering, replanting, landscape restoration and land conversion consistent with the current standard easement template; and (ii) the Civil War Trust shall obtain an easement that provides for access to the property from a public right-of-way.

Comments Summary:

Chair Smith asked what needs to be done to resolve the right-of-way issue. Ms. Musumeci responded that a right-of-way easement between CWT and the owner of an adjoining parcel was in process and this easement would provide access to Oakleigh Avenue. Chair Smith called for a motion. Mr. Gruber made a motion to approve the easement offer as presented by staff. Ms. Atkins-Spivey seconded the motion and the Board voted unanimously to approve the offer subject to the recommended conditions.

Easement Offers for Reconsideration

The following easement offer for reconsideration was presented by Ms. Wilson Green.

1. Cool Spring Farm, Cool Spring Battlefield, Clarke County

Property Owner: Cool Spring Farm, LLC

Acreage: 109.25

Consideration of revised easement terms

Located just south of the West Virginia state border and one-half mile west of the Shenandoah River in northeastern Clarke County, the Cool Spring Farm contains 106 acres of open-space land. Comprised of a mix of pasture and re-emergent wooded cover, the property is improved for residential and agricultural use. Aerial images indicate portions of the parcel were likely clear-cut within the past 20-50 years. The property is a working cattle farm and is also used for vegetable and fruit cultivation for family use. Both the residential and agricultural improvements are generally clustered in the northwestern corner of the property, as is a manmade pond. To assist with purchase of an easement over the property, the Clarke County Easement Authority obtained grant funding from the American Battlefield Protection Program (ABPP) as well as a Virginia Battlefield Preservation Fund grant. The property will remain in private ownership.

The Board initially approved this easement offer at its March 17, 2016, meeting. Since that time, the Section 106 Review process pursuant to the ABPP grant has been completed. The property owner has also requested the following two easement template changes:

1. Allowance for construction of "alternative energy structures" in the form of rooftop solar panels and/or a single windmill. The power generated would be for use solely on this property and would be scaled to suit the property and meet its energy demands without compromising the rural agricultural character of the property or the battlefield landscape.
2. Reservation of right to conduct any uses being allowed under Clarke County Agricultural Zoning, unless such uses are expressly prohibited by this Easement.

Ms. Wilson Green explained that the property was currently zoned agricultural and would remain subject to local zoning regardless of the easement and read the definition of "agriculture" from the current County zoning code, which states that agriculture is the "use of land devoted to agricultural products and the processing of such agricultural products that are produced in Clarke County. Bio-Solids Land Application shall be considered an agricultural activity."

Ms. Wilson Green commented that staff was requesting the Board's determination of the following:

1. Whether to include an allowance for roof-top solar panels and one (1) wind-power structure for production of energy for use on the easement property, in this easement; and
2. Whether to include reference to local zoning regulations and require the easement to conform to local land-use zoning is appropriate within a perpetual easement taken and held under state law.

Comments Summary:

Chair Smith asked for a motion. Vice-Chair Peters made a motion to approve the alternative energy structure request as presented. The motion was seconded by Ms. Atkins-Spivey and the Board voted unanimously to approve the motion.

Chair Smith then asked for a second motion regarding the inclusion of the County agricultural zoning language. Ms. Kim made a motion approving the inclusion of the County agricultural use language in the easement document. Vice-Chair Peters seconded the motion. Mr. Gruber then asked for clarification of the understanding of the language proposed for inclusion. Ms. Wilson Green clarified what agricultural activities were permitted in the standard easement document and the implications of adding agricultural zoning language. Chair Smith inquired as to why this request was significant enough to involve the Board. Ms. Bearns replied that the request represented a deviation from the easement template and would tie the language of the easement to local zoning. Per typical easement language, if the easement is silent on an aspect, it is allowed. Ms. Peters inquired if Clarke County was a certified local government. Director Langan responded yes. Mr. Fisher stated he thought it was unwise to deviate from the template and Mr. Gruber agreed. The Board voted 1-5 to include the County agricultural zoning language per the motion made by Ms. Kim. Chair Smith noted that the motion did not pass. Mr. Fisher then made a motion to deny landowner's request for a provision specifically allowing any agricultural use on the property that is permitted by Clarke County's land use regulations. This motion was seconded by Ms. Atkins-Spivey and the Board voted unanimously to approve the denial of the Clarke County agricultural zoning language inclusion.

The following easement offer for reconsideration was presented by Ms. Bearns.

2. Bishop's Run, Fauquier County

Property Owner: Bishops Run Partners, LLC

Acreage: 53.9 acres

Reconsideration of easement offer due to new information on numerous utility easements conveyed to county

The property is located in Fauquier County and is part of the core area of the Buckland Mills Battlefield. There are two separate tax map parcels that are divided by Riley Road (VA Rt. 676) and together comprise approximately 54 acres. The Board initially approved of this offer in 2012 and then reconsidered and approved a revised offer at the March 17, 2016, meeting. The offer changes were a reduction in the acreage from approximately 59 acres to 54 acres because a 5-acre lot was conveyed to the County for a fire station and there was a change in the name of the entity that owns the property. The property was platted for a residential subdivision in 2006-2007 and the proffers associated with that development required dedication of land for a new public road. The Board considered at the March 2016 meeting whether dedication of that land for a public road would be consistent with the conservation easement. The Board voted that the road would not be consistent and the County voted to relinquish those proffers. The Board voted to approve the revised offer subject to the following conditions: (i) because the property likely contains more than 20 acres of forested cover, timber stands on the property will be subject to a forest management provision in the easement, which requires a forest management plan, and a pre-harvest plan prior to any timber harvests and the other standard provisions regarding land conversion and battlefield rehabilitation; and (ii) because Riley Road (State Route 676) bisects the two tax parcels that comprise the property, two separate easements will need to be recorded for this project.

Additional title review revealed that there were numerous water and sewer easements on the property conveyed to the Fauquier County Water & Sewer Authority in 2006-2007 as part of that residential development. The County Authority requires such conveyances to be done on the plat of subdivision and as a result the surveying firm and the title searcher missed these sewer easements. These easements predate the conservation easements and cover approximately 4.5 acres of land. Fauquier County supports the conservation of this land and applied for the American Battlefield Protection Program battlefield land acquisition grant to purchase a portion of the easement value. The other portion will be donated by the landowner and they will be pursuing federal and state tax benefits so this project is a partial gift/partial sale transaction.

Two easements will be retained to allow for connectivity to the pumping station located on a small utility lot owned by Fauquier County. One small area of land must be placed under easement to allow for installation of the two sewer lines in the reserved easements. The sliver was within an area that was going to be conveyed to the County as part of the road proffers. With the release of those proffers, that area will not be owned by the County and is not already under easement. The net benefit is that approximately 4.25 acres will be released from easement.

The landowner's attorney and civil engineering firm have been working to prepare a new plat to vacate all of these easements except for the two reserved and to dedicate the new easement. That plat must be reviewed by the County Authority and the new plat is currently under their review. It is possible that the new plat will not be approved in time to allow for recordation of the conservation easements after the new plat but before December 31, 2016. The conservation easements need to be recorded by the end of this calendar year as the property is subject to a mortgage held by Fauquier Bank and the Bank has been waiting for over two years for this to close so the Bank can get paid. If it does not close there is a high possibility that the Bank will foreclose and, with a recorded plat of development, the land will be sold to another developer.

Current Request for Reconsideration

The request is for approval of the revised offer to allow for either:

- 1) Recordation of the new County Authority plat vacating all of the existing easements except the two reserved and dedicating the small area adjacent to the reserved easements prior to recordation of the two conservation easements; or

- 2) Recordation of the two conservation easements subject to the condition that the new County Authority plat vacating all of the existing easements except the two reserved and dedicating the small area adjacent to the reserved easements be recorded within 12 months of recordation of the conservation easements provided:
 - a. The newly dedicated easement area would be subject to all of the terms of the conservation easement, and
 - b. Would not be permanent but would continue for as long as needed in the determination of the County Authority.

If the Board approves of the condition allowing for recordation of the new plat after the conservation easements are recorded, then the Board will need to determine whether the conveyance of that new easement over the small area for the sewer lines would constitute conversion, so the Board is asked to make that determination as well.

The first motion is the determination of conversion. The second motion is for approval.

Ms. Bearns noted that the Board cannot require the County to approve the new plat of vacation and dedication but the County is heavily invested in the conservation of this land. The County applied for the battlefield grant, released the road proffers and the attorney for the landowner provided an email from the County Authority agreeing to vacate all of the water and sewer easements except for the two reserved in exchange for the small area to be dedicated.

Ms. Bearns noted that if Fauquier County has any future role on this property, the County may be willing to conduct archaeological survey prior to the installation of the sewer lines. The Board cannot require it in the reserved easement areas as they predate the conservation easements but the County has been willing to work with DHR to protect historic resources.

Comments Summary:

Mr. Fisher asked if the Board had previously accepted this easement and whether the Board was being asked to rescind the prior approval. Ms. Bearns replied that the Board had previously accepted the offer, but that staff was now requesting an additional condition. Ms. Bearns noted that the Board could rescind and restate the previous conditions but staff is only asking to add this as a condition if the new plat cannot be recorded in advance.

Chairman Smith asked for a motion.

Ms. Kim asked if staff felt this request constituted conversion/diversion. Ms. Bearns replied they did not because the result is that over four acres of land will no longer be subject to these easements in exchange for a tiny area being newly dedicated. Mr. Fisher noted that this would result in over four acres of land being released from these easements. Ms. Bearns also stated that because these easements predate the conservation easements, the sewer lines could be installed with no review and approval and no archaeological survey. Mr. Fisher stated that in his opinion the Board was getting a lot for giving up very little. Ms. Bearns also stated that the American Battlefield Protection Program has been provided with the same materials given to the Board but has not yet had the opportunity to discuss it. Staff is hopeful that ABPP will concur with this Board.

Mr. Fisher made a motion that the revised offer with potential conveyance of a new sewer easement after recordation of the conservation easements does not constitute conversion. Mr. Gruber seconded the motion and it was unanimously approved by the Board.

Chair Smith asked for a motion regarding the revised offer. Mr. Gruber made a motion to approve the revised offer with the conditions stipulated by staff. Mr. Fisher seconded the motion and it was unanimously approved by the Board.

The following easement offers for reconsideration were presented together by Ms. Wilson Green.

3. Arlington Archaeological Site, Northampton County

Property Owner: The Arlington Foundation, Inc.

Acreage: 7.3

Reconsideration due to expiration of prior Board approval

4. Custis Tombs, Northampton County

Property Owner: The Arlington Foundation, Inc.

Acreage: 0.17

Reconsideration due to expiration of prior Board approval

This property is located near Cape Charles in southern Northampton County. The 7.3-acre Arlington Mansion Archaeological Site lies on the south bank of Old Plantation Creek, just east of the juncture of Old Plantation Creek and the Chesapeake Bay. Multiple professional archaeological excavations on the property have confirmed occupation of the site from the Late Woodland period through 1832, including features associated with a significant Native American settlement, a Virginia Company outpost, the Custis family mansion known as "Arlington", and evidence of post-Custis occupation by enslaved African Americans. The site is currently maintained as a grassy field, with decorative wooden stakes marking the corners of the Arlington mansion. Immediately to the west is the 0.17-acre Custis Tombs Tract, which is also owned by the Arlington Foundation. To the west and south is a partially developed residential subdivision while agricultural lands are located to the east. The property has a high degree of integrity due to its long protection, first by the Association for

the Preservation of Virginia Antiquities and then by the Arlington Foundation, Inc., a non-profit created specifically to protect, research, and interpret the site. It is regularly open to the public for self-guided tours.

The Arlington Mansion Archaeological Site was listed in the Virginia Landmarks Register (VLR) on 03/20/2008 and the National Register of Historic Places (NR) on 05/12/2008 under Criterion D for its potential to provide information about the Late Woodland (A.D. 900-1607) and Accomac Indian culture, Contact period Indian-English relationships, the Virginia Company, early settlement, and the evolution of plantations (specifically the Custis mansion) and the plantation's occupants, including post-Custis era African-American enslaved persons (1721-1832). It is also significant for its association with Contact period Indian-English relations during the Virginia Company period (ca. 1614-1624), its association with the English settlement of Virginia, and its function as the seat of government during Bacon's rebellion (1676). The Arlington Archaeological Site was also listed in the VLR/NR under Criterion B at a state-wide level for its association with William Burdett (1633-1643), John Custis II (1656-1696), and John Custis IV (1696-1721), all of whom served in local and colony political positions. The Arlington Archaeological Site was occupied during the Late Woodland/Contact period, and from circa 1614 until 1832. The site has been completely surveyed at the Phase I and II levels through four archaeological studies.

On September 18, 2014, the Board agreed to hold the easement, subject to the following conditions: (i) two separate Deeds of Easements must be recorded because the Arlington Mansion Archaeological Site and Custis Tombs Tract are discontinuous parcels and (ii) resolution with the Association for the Preservation of Virginia Antiquities (APVA) of the perpetual deed restrictions conveyed to APVA via the 1999 deed that transferred ownership of the Arlington Mansion Archaeological Site from APVA to the Arlington Foundation, Inc. The conditions of the offer remain unchanged. The offer is brought back before the board because the original approval period has expired and the easements have not yet been recorded.

Comment Summary:

Chair Smith asked if two years is sufficient time to complete the transaction. Ms. Wilson Green replied that it was, but that working with an entirely volunteer organization takes additional time.

Mr. Fisher made a motion to extend the approval for an additional two years. Ms. Atkins-Spivey seconded the motion and the Board voted unanimously to approve the request as presented.

New Easements Recorded Since the September 2016 HRB Meeting

Ms. Musumeci then briefed the Board about the following recently recorded easements.

1. Currie House, Montgomery County

Date Recorded: 09/21/16

Donor: W. Peter Trower and Marcella J. Griggs

Acreage: 0.50

2. Slaughter Pen Farm, Spotsylvania county

Date Recorded: 09/22/16

Donor: Civil War Trust

Acreage: 208

Deed of Assignment to Board of Historic Resources

3. Shiflett Tracts, Trevilian Station Battlefield, Louisa County

Date Recorded: 10/24/16

Donor: Civil War Trust

Acreage: 71

Grant Program: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

4. Dear Tract, Peeble's Farm and The Breakthrough Battlefields, Dinwiddie County

Date Recorded: 10/27/16

Donor: Civil War Trust

Acreage: 19.38

Grant Program: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

5. Alcor-Shield Tract, Malvern Hill Battlefield, Henrico County

Date Recorded: 11/09/16

Donor: Civil War Trust

Acreage: 119.393

Grant Program: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

6. Opequon Crossing, Third Winchester Battlefield, Clarke County

Date Recorded: 11/22/16

Donor: Shenandoah Valley Battlefields Foundation

Acreage: 5.0

Grant Program: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

Ms. Musumeci stated that concluded her presentation.

Chair Smith adjourned the Board of Historic Resources meeting at 4:32 p.m.

STATE REVIEW BOARD

Collections Study Room, Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221

State Review Board Members Present

Elizabeth Moore, Chair

Joseph D. Lahendro, Vice-Chair

Dr. Sara Bon-Harper

Dr. Gabrielle Lanier

Dr. Carl Lounsbury

John Salmon

State Review Board Members Absent

Dr. Luranett Lee

Department of Historic Resources Staff Present

David Edwards

Jim Hare

Lena McDonald

Melina Bezirdjian

Mike Pulice

Aubrey Von Lindern

Marc Wagner

Elizabeth Lipford

Guests (from sign-in sheet): Jane Raup (Arrowhead)

Chair Moore called the meeting to order at 12:39 p.m. for discussion and consideration of the Preliminary Information Applications (informal guidance session).

Discussion of future PIF agendas.....presented by Jim Hare

A consent agenda was proposed for distribution to SRB members at the same time the PIFs are posted on DHR's website. The consent agenda would include a brief thumbnail sketch of each property to include its e-team score and criteria/areas of significance. Ms. McDonald said that advance review comments and questions about PIFs submitted via email could be compiled into a single document and shared with the SRB prior to the Board meeting. The SRB preferred reviewing all PIFs but suggested placing a time limit on their discussion of each PIF and minimizing or eliminating the formal staff presentations of PIFs to allow more time for discussion. The SRB enacted this new approach for the PIFs considered at the current meeting.

Preliminary Information Applications

The following proposals were *endorsed*, unless otherwise noted, with the following comments:

Western Region.....presented by Michael Pulice

1. Arrowhead, Nelson County, #062-5135-0051, Criterion B

Ms. Jane Raup said a servant's quarters building also is on the property. Col. Robinson dug the foundations of the building and built portions of the walls. She said thirty years' worth of his diaries are still at West Point, although none date to the house's construction. Chair Moore asked if he lived at Arrowhead for his major work. Mr. Pulice said he lived here while conducting his research on the Monacan tribe and amassing his collection of related artifacts. Ms. Raup said his artifact collection was housed by the NPS and by Emery & Henry before being donated to form the basis of the Monacan Museum's establishment. Ms. Raup said the house is located on property where Robinson grew up and had been part of his family's (and the related Cabell's) holdings for a number of years. Dr. Lounsbury noted the house is unusual for having four working chimneys and soapstone sills while being constructed of two layers of brick with concrete in between, showing elements of traditional building but rendered in a modern way. Vice-Chair Lahendro suggested the building's idiosyncratic architectural characteristics be described in the nomination. Ms. Raup noted that the Smithsonian Institution retains a collection of stuffed birds donated by Robinson.

2. Bloomsburg, Halifax County, #041-0024, Criteria A and C

Vice-Chair Lahendro asked about the house's original plasterwork versus the 1970s ornamentation, and if the respective dates can be explained in the nomination. Chair Moore asked to have the brick outbuilding verified as a potential servant's quarters. Mr. Pulice said the current owners refer to the building as a kitchen.

3. Brandon-on-the-Dan, Halifax County, #041-0302, Criteria A and C

Dr. Lounsbury questioned whether the interior woodwork was the work of African American craftsman Thomas Day. Additional documentation is necessary to demonstrate the supposed linked to Thomas Day's work. Most of Day's documented work was furniture rather than architectural details. The SRB agreed that attributions to Day should be couched in qualified terms. Vice-Chair Lahendro noted the Virginia Tech architect's Craftsman work on the dwelling was documented and should be described as such in the nomination.

4. Cedar Grove, Halifax County, #041-5391, Criterion C

The SRB agreed that attributions of work by Thomas Day should be couched in qualified terms. Dr Lounsbury suggested checking the construction dates for the dwelling, as the PIF dates were based on only the wrought nails. These alone are insufficient for demonstrating existence of Georgian-era architecture.

5. Doe Creek Farm, Giles County, #035-0018, Criteria A and C

Dr. Lounsbury said the main dwelling has machine-made Greek Revival-inspired architectural details, which is substantially different from the antebellum/early 19th century Greek Revival style that did not rely on mass-produced materials. The architectural significance discussion should include an explanation of the different contexts of the two periods and how this property's main dwelling is associated with the former. Vice-Chair Lahendro asked that the property's association to the local agricultural economy be discussed in the nomination.

6. Glenwood, Halifax County, #041-5201, Criteria A and C

Dr. Lounsbury asked about the historic use of the rear building that is attached to the main house via a hyphen. Buildings with tightly notched plank log walls are often used as jails, stores, or meat houses. He suggested that the rear building most likely originally served as a meat house.

7. Lakeside Farm, Smyth County, #086-5232, Criteria A and C

Vice-Chair Lahendro asked if the main dwelling's main staircase has balusters using two different types of wood, based on the differing colors seen on the balustrade. The SRB noted the quality of the collection of outbuildings.

8. Oak Cliff, Halifax County, #041-5295, Criterion C

Dr. Lounsbury questioned the accuracy of the 1790s construction date. The interior woodwork of the rear ell and the paneled chimney on the ell's gable end are suggestive of an 1810s construction date.

9. Peacock-Salem Launderers, City of Salem, #129-5143, Criteria A and C

Vice-Chair Lahendro suggested a description of how the cleaning process operated historically, if known. Dr. Bon-Harper suggested that consideration of the property's social history was warranted in terms of the racial makeup of the workforce, if it is known and relevant to the property's significance in the area of Commerce.

10. Will Browning House, Russell County, #083-5124, Criteria A and C

The ca. 1800 construction date is potentially too early but additional research may provide a more accurate construction date. A salt kettle in the farmyard is believed to have originated in Saltville and was moved to the property at an unknown date. Chair Moore said they are more commonly seen built into brick structures. Dr. Lounsbury said pegged joinery in one of the outbuildings suggests a pre-1860 construction date. Dr. Lounsbury said strap hinges often were reused as they are the appropriate type of hinge for carrying a heavy load, so they are less indicative of a construction date.

Northern Region.....presented by Aubrey Von Lindern

1. **Broadview, Arlington County, #000-5787, Criterion C

Mr. Salmon asked about ending the period of significance based on the property's sale instead of its last significant architectural changes. Ms. Von Lindern said the Lacey family built the last historic addition, for which a firm construction date is not known, and that was why the end date was based on the sale of the property from their ownership. Additional research might suggest a construction date of the most recent historic addition that could then be used to set the end date to the period of significance.

2. Gold House, Frederick County, #034-0095, Criterion C

Mr. Salmon asked about ending the period of significance based on the property's sale and suggested using the construction of the last significant addition to the house or one of the contributing outbuildings. Ms. Von Lindern said a more specific end date is being researched, and the property owner is researching the property's history to identify other potential areas of significance such as Agriculture. Ms. Von Lindern said the start date to the period of significance is based on a survey by a professional consultant.

3. **Llangollen, Loudoun County, #053-0408, Criteria A and C

Mr. Salmon asked about ending the property's period of significance based on the property's sale by the Whitneys. He asked if that also marked the end of the polo facility's operation, and Ms. Von Lindern said yes. Dr. Bon-Harper suggested including a mention of race and class aspects of the property's Criterion A areas of significance.

4. **Lord Culpeper Hotel, Town of Culpeper, Culpeper County, #204-5067, Criteria A and C
Vice-Chair Lahendro suggested identifying original features of the building from later renovations, which may be difficult due to the frequency with which hotels are updated.

5. **Montgomery Hall Park, City of Staunton, #132-5023, Criterion A
Vice-Chair Lahendro suggested comparing this park's resources against those at the whites-only Gypsy Hill Park during the segregation era. Chair Moore suggested that Twin Lakes State Park might also be a good comparison.

6. Turner Ashby Monument, City of Harrisonburg, #115-5063, Criterion A and Criteria Consideration F
Mr. Salmon said the location of Ashby's death probably was identified by veterans of the Civil War and if so, the location of the monument is likely to be accurate. He noted Ashby was a charismatic, widely known person whose death was of considerable note at the time. He said the impetus for erecting monuments such as these, as well as those erected by veterans on battlefield sites, often was a statement of remembrance for those who did not survive the war. For Confederate veterans, no Federal resources were expended for veterans' remembrance or for other aspects, such as military pensions or provision of ongoing medical care for war-related wounds, which are aspects of the context of erecting Confederate monuments of that era. Dr. Bon-Harper said the PIF provides a good discussion of the property's association with the Lost Cause movement. Mr. Salmon said monuments such as the Ashby Monument are a subset of the large category of Confederate memorials; the Confederate soldier monuments seen at many Virginia courthouse squares are another such subset. The Board agreed that cognizance of the subsets of monuments is warranted when researching and evaluating such works.

7. The Wilderness, Bath County, #008-0011, Criteria A and C
Dr. Lounsbury said the interior woodwork is not original if the house was originally built ca. 1795. The carriage house and main dwelling's façade and the house's side elevations feature Flemish bond brickwork. Dr. Lounsbury said the basement's pegged framing cannot be used to establish a construction date. He noted the dwelling lacks a water table, which may suggest a ca. 1800 construction date, but ca. 1820 is more likely based on the way the chimney is set, the lack of water table, the jack arches, and the mortar joints. .

8. William Billhimer House, City of Harrisonburg, #115-5131, Criterion C
The SRB endorsed this PIF without additional comment.

Eastern Region.....presented by Marc Wagner and Elizabeth Lipford

1. Alexander Hill Baptist Church, Buckingham County, #015-5054, Criteria A and C
The SRB endorsed this PIF without additional comment.

2. Colonial Beach Historic District, Town of Colonial Beach, Westmoreland County, #199-5002, Criteria A and C
The SRB noted the property's vulnerability due to its coastal location. The PIF was prepared as part of the ongoing Hurricane Sandy grant program.

3. Fuqua Farm, Chesterfield County, #020-0337, Criterion C
The SRB endorsed this PIF without additional comment.

4. John Groom School, Town of South Union, Mecklenburg County, #301-5063, Criteria A and C
Chair Moore asked why the school had multiple roof vents. Mr. Wagner said he was not sure of the venting system's design for the school's restrooms and the kitchen.

5. Mathews Downtown Historic District, Mathews County, #057-5415, Criteria A and C
Chair Moore asked if the district's archaeological potential will be further investigated. Ms. Lipford was not certain of the current plan for further investigations but a firm with professional archaeologists on staff has prepared the PIF and also performed the investigations to date. A more specific starting date for the district's period of significance may need to be identified, and it may be based either on the district's archaeology or on the earliest contributing architectural resource; if based on archaeology then Criterion D for historic archaeology may need to be applied.

6. **North Thompson Street Historic District, City of Richmond, #127-7046, Criterion C
The SRB endorsed the PIF without additional comment.

7. **Philip Morris Blended Tobacco Complex Historic District, City of Richmond, #127-7045, Criteria A and C
Ms. Lipford explained the innovations in cigarette production and tobacco enhancements that were developed at this complex. Vice-Chair Lahendro suggested including a discussion of how the cigarette and tobacco processing was undertaken at the complex. Ms. Lipford explained that the property retains rail spurs used for shipping purposes.

8. **West Main Street Historic District, City of Charlottesville, #104-0083, Criteria A and C

Vice-Chair Lahendro noted that this section of the city never developed uniformly, but instead has had disparate development periods for different types of uses such as residential, automobile use, and commercial purposes. Dr. Bon-Harper added that the built environment reflects the variety of forces shaping the district and that is a character-defining aspect of the district. Vice-Chair Lahendro said the City of Charlottesville currently attempts to treat the district as if it developed more uniformly.

Chair Moore adjourned the SRB meeting at 4:48 p.m.

- * Cost Share Sponsored Project
- ** Certified Local Government
- *** Certified Local Government Sponsored Project